

REMARKS

I. Status of the Application

Claims 1-23, 25-35, 37-51 and 53-72 are pending in the application. Claims 1-23, 25-33, 37, 45-50, 55, and 56 have been withdrawn. Claim 51 has been amended. Claims 24, 34-36, 38-44, 52-54, and 57-72 have been canceled. New claims 73-78 have been added.

Claims 34, 35, 38-44 and 58-66 are rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent No. 0 099 167 to Yapp ("Yapp"). Claims 51, 53, 54, 57 and 67-72 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,571,203 to Masini ("Masini").

Applicants respectfully request reconsideration of the application in view of the following remarks.

Independent claim 51 has been amended. Neither Yapp nor Masini discloses or makes obvious a method in which a part of the neck of a femur will be maintained after the head of the femur has been sawed off, as required by independent claim 51. Maintaining a portion of the neck on which an abutment surface is created is not disclosed nor made obvious by the teachings of Yapp or Masini. Accordingly, the rejections are improper and should be withdrawn.

CONCLUSION

Reconsideration and allowance of all the pending claims is respectfully requested. If a telephone conversation with Applicant's attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 720-9600.

The Commissioner is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0733.

Respectfully submitted,

Dated: January 25, 2007

/Gregory J. Cohan/
Gregory J. Cohan, Reg. No. 40,959
BANNER & WITCOFF, LTD.
28 State Street, 28th Floor
Boston, MA 02109
(617) 720-9600